

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

UNITED STATES OF AMERICA

vs.

GEM MANUFACTURING LLC

Criminal. No. 2011-19

REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY

The defendant, by consent and through its duly authorized representative, Greg Ebenholtz, has appeared before me pursuant to Rule 11, F.R.Cr.P, LRCr 1.2. and LRCi 72.3, and has entered a plea of guilty to all Counts of the Bill of Information filed herein, relating to violations of Lacey Act False Labeling, 16 U.S.C. §§ 3372(d), 3373(d)(3)(A), and the Endangered Species Act, 16 U.S.C. §§ 1538 (c), 1540(b) and 50 C.F.R. §§ 23.13(a), 23.20.

After cautioning and examining the defendant's representative under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was made knowingly and voluntarily as to the counts, and that the offenses charged were supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly.

July 15, 2011


United States Magistrate Judge

NOTICE

Failure to file written objections to the is Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge, 28 U.S.C. Section 636(b)(1)(B), LRCi. 72.3, 72.4.